## REMARKS

Claims 36-74 are pending. Claims 1-35 have been cancelled. Claims 36, 47, and 68 are independent. In view of the following remarks, reconsideration and allowance of this application are respectfully requested.

## 35 U.S.C. § 102(e) Aravamudan Rejection

Claim 68 was rejected under 35 U.S.C. § 102(e) as being anticipated by Aravamudan (U.S. Patent No. 6,301,609). Applicants respectfully request withdrawal of this rejection.

Claim 68 is directed to a method of providing a buddy list to a network user, and recites, among other things, "receiving user definition of a first buddy list, the first buddy list comprising members defined by the network user," "receiving user definition of a second buddy list, the second buddy list comprising members defined by the network user," "triggering, based on the received user input, selection of a buddy list among the first buddy list and the second buddy list" and "displaying the selected buddy list to the network user on an instant messaging user interface." Applicants respectfully submit that Aravamudan does not describe or suggest at least these features of claim 68.

Aravamudan describes a system in which a user "creates buddy groups." (Aravamudan at col. 9, lines 50-51). The user then "defines specific attributes to associates (or buddies) included within each group." (Id. at col. 9, lines 51-52). One attribute assigned by the user is each buddy's priority level, defined as low, high, or highest. (Id. at col. 9, lines 59-61). The priority level determines how the buddy will be allowed to discern the presence of the user on the network. (Id. at col. 9, lines 64 to col. 10, line 56). For example, a buddy with high priority will be notified of the user's real presence on the network, while a buddy with low priority will only be allowed to interact with the user's proxy on the network. (Id.).

Through this disclosure, Aravamudan fails to describe or suggest at least two aspects of claim 68, namely: (1) "receiving user definition of a first buddy list" and "receiving user definition of a second buddy list," and (2) "triggering, based on the received user input, selection of a buddy list among the first buddy list and the second buddy list" and "displaying the selected

buddy list to the network user on an instant messaging user interface." Each is serially addressed below.

Receiving User Definition of First and Second Buddy Lists

The term "buddy list" refers to an aggregated collection of online identifiers for whom online presence is reflected. This term is defined in the Applicants' specification as a list of "names of other server system users" and with reference to item 404 of Figure 4. Notably, Figure 4 makes clear the inclusion of buddy groups within and as a constituent parts of a buddy list, necessarily distinguishing buddy groups from buddy lists. This again is consistent with the ordinary meaning ascribed to the term buddy list.

Moreover, it is clear from the Applicants' specification that the process of ascribing attributes to an online buddy or buddy group associates with a buddy list are processes that distinguish themselves from the process of receiving user definition of buddy lists. For example, the specification indicates that attributes may be ascribed to constituent buddies of a buddy list having buddy groups associated therewith. See page 3, lines 12-15.

In this context, Aravamudan fails to describe or suggest receiving user definition of a first buddy list and receiving user definition of a second buddy list, as claimed. Rather, Aravamudan describes the mere assignment of attributes (e.g., priority levels) to individual buddies within a buddy group. Aravamudan's assignment of attributes to individual buddies in a buddy group may be similar to the assignment of attributes contemplated by the Applicants' specification at page 3, lines 12-15, but it does not even relate to receiving user selection of multiple buddy lists, which is disclosed even within the Applicants' specification as being distinct of the assignment of buddy attributes.

Moreover, the creation of buddy groups by Aravamudan also and similarly fails to meet receiving user definition of first and second buddy lists. Specifically, the buddy groups of Aravamudan are part of a buddy list and, therefore, fail to suggest creation (or receipt of user definition of) buddy lists to which they belong.

Triggering Selection of a Buddy List and Displaying the Selected Buddy List

Even overlooking the failure of Aravamudan to suggest receiving user definition of first and second buddy lists, it is clear that Aravamudan does not describe or suggest at least the claimed "triggering, based on the received user input, selection of a buddy list among the first buddy list and the second buddy list" and "displaying the selected buddy list to the network user on an instant messaging user interface." In fact, Aravamudan is silent as to whether the user can trigger among multiple buddy lists or display the selected buddy list on a user interface to the network user. Aravamudan simply is not concerned with the existence, management, or selection among multiple buddy lists.

For at least the foregoing reasons, independent claim 68 and its dependent claims 69-72 are patentable over Aravamudan.

**35 U.S.C. § 103(a) Schindler/Porter/Aravamudan**

Claims 36-43, 47-60, 62-66, and 69-72 were rejected under 35 U.S.C. § 103(a) as being obvious over Schindler (U.S. Patent No. 6,081,830) in view of Porter (U.S. Patent No. 6,434,599) and further in view of Aravamudan. Applicants respectfully request withdrawal of these rejections.

Independent claims 36 and 47 are directed, respectively, to a method of providing a buddy list to a network user and a computer program for providing a buddy list to a network user. Claims 36 and 47 each recite, among other things, "determining television programming selected for viewing by a network user," "accessing two or more user-defined lists of other users for whom presence is monitored," "selecting an initial buddy list from among the two or more user-defined lists based upon the determined television programming," and "displaying the selected initial buddy list to the network user on an instant messaging user interface." Each of the two or more user-defined lists includes members defined by the network user.

Schindler uses the identity of a television channel as a basis for identifying and automatically linking to a computer chat room. Stated differently, the point of Schindler is to

identify and link to chat rooms that correspond to the content presently tuned by a television.[1] Schindler does not, however, describe accessing two or more user-defined lists of other users for whom presence is monitored, nor does Schindler describe selecting an initial buddy list from among the two or more user-defined lists based upon the determined television programming.[2]

Porter does not remedy these deficiencies of Schindler. Porter describes dynamic formation of a chat session facilitated by an information site or a third party chat server. However, Porter fails to contemplate accessing two or more user-defined lists of other users for whom presence is monitored and selecting an initial buddy list from among the two or more user-defined lists based upon the determined television programming, as recited in claim 36.

Aravamudan also fails to remedy these deficiencies of Schindler and Porter. In particular, Aravamudan does not describe or suggest at least the claimed "accessing two or more user-defined lists of other users for whom presence is monitored," "selecting an initial buddy list from among the two or more user-defined lists," and "displaying the selected initial buddy list to the network user on an instant messaging user interface." As discussed above with respect to claim 68, Aravamudan is silent as to whether the user can trigger among multiple buddy lists or display the selected buddy list on a user interface to the network user. Aravamudan simply is not concerned with the existence, management, or selection among multiple buddy lists.

Rather, Aravamudan describes assigning attributes to individual buddies within a buddy group to determine how each of those buddies perceive the user. Therefore, Aravamudan fails to describe or suggest at least the claimed "selecting an initial buddy list from among the two or

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[1] Fig. 3 of Schindler shows a computer, a display screen 38 that includes a TV program area 40, a chat room identification area 44, with a participant area 46 that lists names of users participating in the chat room, and a chat entry area 52 in which chat messages are displayed. The display screen 38 also includes a "TV controls area 42" with "on-screen buttons" that allow a user to change the channel of the TV programming displayed in TV program area 40. According to Schindler, a computer detects a user's television channel, and determines an ID code associated with the channel. The ID code is sent to a server 20 and the server 20 selects a chat room for the user corresponding to the ID code (See Fig. 2 and col. 6, ll. 26-43). The chat room is run by the server 20 and corresponds to TV programming (See, col. 4, ll. 53-65). Messages may be exchanged between participants in the chat room.

[2] It is acknowledged at page 3 of the Office Action that, "Schindler does not teach selecting a buddy list based on television programming."

more user-defined lists" and "displaying the selected initial buddy list to the network user on an instant messaging user interface."

Furthermore, the Office Action provides no suggestion or motivation to combine the teachings of Schindler, Porter, and Aravamudan. Therefore, a prima facie case of obviousness has not been established. Notably, Schindler, Porter, and Aravamudan are directed to different solutions for different problems. Schindler is directed to using the identity of a television channel as a basis for identifying and automatically linking to a computer chat room. Porter describes dynamic formation of a chat session facilitated by an information site or a third party chat server. Aravamudan is directed to assigning attributes to individual buddies within a buddy group to determine how each of those buddies perceive the user. Accordingly, there is no motivation to combine the teachings of Schindler, Porter, and Aravamudan.

For at least the foregoing reasons, independent claim 36, and its dependent claims 37-43 and 56-60, and independent claim 47, and its dependent claims 48-55 and 62-66, are patentable over Schindler in view of Porter and further in view of Aravamudan.

Claims 69-72 are dependent from independent claim 68, which as explained above, is patentable over Aravamudan. Porter and Schindler fail to remedy the deficiencies of Aravamudan for independent claim 68 or for dependent claims 69-72 for at least the reasons discussed above with respect to the selection and display limitations of independent claims 36 and 47. Accordingly, independent claim 68 and its dependent claims 69-72 are patentable over Schindler in view of Porter and further in view of Aravamudan.

**35 U.S.C. § 103(a) Schindler/Porter/Aravamudan/DeSimone**

Claims 44-46, 53-55, 61, 67, and 73 were rejected under 35 U.S.C. § 103(a) as being obvious over Schindler in view of Porter, further in view of Aravamudan, and further in view of DeSimone (U.S. Patent No. 6,212,548). Applicants respectfully request withdrawal of these rejections.

Claims 44-46, 53-55, 61, 67, and 73 depend from one of independent claims 36, 47, and 68 and are believed to be allowable for at least the reasons given above for claims 36, 47, and 68.

In particular, DeSimone does not remedy any of the deficiencies of Schindler, Porter, and Aravamudan that are noted above with respect to claims 36, 47, and 68. Moreover, DeSimone was not applied, and could not be applied, to remedy the deficiencies of claims 43 and 52, from which claims 44-46 and 53-55 depend. As such, it is respectfully submitted that Schindler, Porter, Aravamudan, and DeSimone, alone or in combination, do not establish a prima facie case of obviousness with regard to claims 44-46, 53-55, 61, 67, and 73.

**35 U.S.C. § 103(a) Aravamudan/Schindler**

Claim 74 was rejected under 35 U.S.C. § 103(a) as being obvious over Aravamudan in view of Schindler. Applicants respectfully request withdrawal of this rejection. Claim 74 depends from independent claim 68 and is believed to be allowable for at least the reasons given above for claim 68. In particular, Schindler does not remedy any of the deficiencies of Aravamudan that are noted above with respect to claim 68. Furthermore, the Office Action provides no suggestion or motivation to combine the teachings of Aravamudan and Schindler. Therefore, a prima facie case of obviousness has not been established. For at least these reasons, it is respectfully submitted that Aravamudan and Schindler, alone or in combination, do not establish a prima facie case of obviousness with regard to claim 74.

**Conclusion**

For at least the foregoing reasons, reconsideration and withdrawal of the rejections of claims 36-74 are respectfully requested.

Enclosed is a $110.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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